

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NATIONAL STARCH AND CHEMICAL  
INVESTMENT HOLDING  
CORPORATION, PENFORD  
AUSTRALIA LTD., and PENFORD  
HOLDINGS PTY,

Plaintiffs,

v.

CARGILL, INC. and  
MGP INGREDIENTS, INC.,

Defendants.

C.A. No. 04-1443-GMS

**DEFENDANTS' SECOND RULE 30(b)(6)**  
**NOTICE OF DEPOSITION TO PLAINTIFFS**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, Defendants will take deposition on oral examination of National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., and Penford Holdings Pty. (collectively "Plaintiffs") on February 13, 2006, continuing day to day until completed, at the offices of Kenyon & Kenyon, One Broadway, New York, New York 10004. Plaintiffs shall designate one or more officers, directors or managing agents, or other persons who have knowledge of and will consent to testify on behalf of Plaintiffs with respect to the topics listed in Exhibit A. The deposition shall be recorded by a stenographer duly authorized to administer oaths and will be videotaped. You are invited to attend and cross-examine.

**EXHIBIT A – TOPICS FOR EXAMINATION**

26. Between 1980 and the present, the identity and amylose content of all hybrid seed lines used to produce grain from which Hylon VII has been produced.

27. Between 1980 and the present, the amylose content of Hylon VII as measured by National Starch, and the test method(s) used to make such measurement(s).

28. Identification of any documents related to Topics 26 and 27.

Dated: February 2, 2006

FISH & RICHARDSON P.C.

By: s/ Thomas L. Halkowski

---

Thomas L. Halkowski (#4099)  
John F. Horvath (#4557)  
919 N. Market Street, Suite 1100  
P.O. Box 1114  
Wilmington, DE 19899-1114  
Telephone: (302) 652-5070  
Facsimile: (302) 652-0607

Michael E. Florey  
FISH & RICHARDSON P.C., P.A.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696

*Attorneys for Defendants  
Cargill, Incorporated and MGP Ingredients, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2006 I electronically filed **DEFENDANTS'**  
**SECOND RULE 30(b)(6) NOTICE OF DEPOSITION TO PLAINTIFFS** with the  
Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to  
the following Delaware counsel. In addition, the filing will also be sent via hand  
delivery:

Josy W. Ingersoll  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, DE 19899-0391

*Attorneys for Plaintiffs  
National Starch and Chemical  
Investment Holding Corporation,  
Penford Australia Ltd., and Penford  
Holding Pty*

I hereby certify that on February 2, 2006, I have mailed by Federal Express, the  
document(s) to the following non-registered participants:

Richard L. DeLucia  
Kenyon & Kenyon  
One Broadway  
New York, NY 10004

*Attorneys for Plaintiffs  
National Starch & Chemical Investment  
Holding Corporation, Penford Australia  
Ltd., and Penford Holding Pty,*

s/ Thomas L. Halkowski  
Thomas L. Halkowski